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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.13010 of 2024

Biraj Limbu

... Petitioner

Vs.

State Rep by.
The Inspector of Police
M-6, Manali Police Station,
Chennai. Crime No. 256 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarged bail to the petitioner in connection with CC No. 1004 of
2023 in Crime No. 256 of 2023 on the file of the respondent police.

For Petitioner : Mr.A.Jackulin Elizabeth
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 31.05.2023 for the alleged offences punishable under Sections 8 (c) r/w 22(c), 25, 29(1) of NDPS Act, in crime No. 256 of 2023 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused persons with illegal possession of 1520 Pyeevon Spas Plus. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and also he was in custody for more than one year . Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that co-accused has been released on bail. However, he raised objection to grant bail.

5. Considering the facts of the case, the period of incarceration undergone by the petitioner and also the contraband seized from the petitioner is intermediate quantity and also co-accused has been released on bail. Hence, this Court is inclined to grant bail to the petitioner.



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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one blood surety and one local surety)**, each for a like sum to the satisfaction of the **learned Principal Special judge EC and NDPS , Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on alternative days at 10.30 a.m., for a period of six months. Further, the petitioner shall deposit a sum of **Rs.10,000/-** to the credit of registered Advocate clerk's Welfare Association, chennai.

[c] the petitioner shall not abscond either during investigation or trial;



[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Principal Special Judge EC and NDPS , Chennai.**

2. The Inspector of Police
M6, Manali Police Station,
Chennai.

3. The Puzhal Prison.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 13010 of 2024

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